

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS COOK,	:	CASE NO. 1:02cv00073
	:	
Plaintiff	:	(J. Weber)
	:	
vs.	:	
	:	
CITY OF NORWOOD, et al.,	:	
	:	
Defendants	:	

MOTION TO STRIKE EXHIBIT E TO PLAINTIFF'S  
RESPONSE TO  
DEFENDANT CITY OF NORWOOD'S OBJECTIONS TO  
PLAINTIFF'S APPLICATION FOR ATTORNEY FEES AND COSTS

Comes now Defendant, City of Norwood, and respectfully moves this Court to strike the documentation of expenses attached to Plaintiff's Response to Defendant, City of Norwood's Objections to Plaintiff's Application for Attorneys' Fees and Costs (**Doc. 165**). The basis for this Defendant's Motion to Strike is set forth in the attached Memorandum.

s/Lawrence E. Barbieri

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**M E M O R A N D U M**

Counsel for plaintiff did not attach any documentation to verify his claim for expenses in his original Application for Attorneys' Fees. As set forth in Defendant's Objections to Plaintiff's Application for Attorneys' Fees, the undersigned counsel requested backup documents as to all of the costs submitted in the Fee Application on February 8, 2005. After having not received the backup documents, the undersigned counsel again requested the documentation by correspondence dated March 8, 2005. As of the date of the filing of Defendant's Objections to Plaintiff's Application for Attorneys' Fees (3/21/05) no documentation supporting the expenses had been filed.

Plaintiff first filed expense documentation as an exhibit to his response to Defendant's Objections to Plaintiff's Application for Attorneys' Fees and Costs. As a result, defendant has not had an opportunity to challenge that expense documentation.

Based on the foregoing, defendant, City of Norwood, respectfully requests that this Court strike corrected Exhibit E to Plaintiff's Response to Defendant's Objections to Plaintiff's Application for Attorneys' Fees and Costs.

**s/Lawrence E. Barbieri**

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**CERTIFICATE OF SERVICE**

I hereby certify that on **April 26th, 2005**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following: Robert G. Kelly, Esq., ***Attorney for Plaintiff***, W. McGregor Dixon, Jr., Esq., ***Attorney for Joseph J. Hochbein***, James F. Brockman, Esq., ***Attorney for Kevin Cross***, and to Steven Martin, Esq., ***Attorney for Defendant, Gary Hubbard***.

**s/Lawrence E. Barbieri**

Lawrence E. Barbieri